UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,670	10/19/2005	Harri Kiljander	1004289.216US (4208-4252)	6528

85775 7590 01/22/2010		EXAMINER
Locke Lord Bissell & Liddell LLP		BELOUSOV, ANDREY
Attn: IP Docketing		

ART UNIT	PAPER NUMBER
2174	

Locke Lord Bissell & Liddell LLP
Attn: IP Docketing
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New York, NY 10281-2101

NOTIFICATION DATE	DELIVERY MODE
01/22/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	10/534,670	KILJANDER, HARRI
	Examiner	Art Unit
	ANDREY BELOUSOV	2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 November 2009_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-15 and 17-29_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-15 and 17-29_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in responsive to the amendment filing on 11/04/2009. Claims 1-15,

and 17-29 are pending and have been considered below.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-15, and 17-29 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains subject

matter which was not described in the specification in such a way as to reasonably

convey to one skilled in the relevant art that the inventor(s), at the time the application

was filed, had possession of the claimed invention. Amendments to claims 1, 14, 17

and 28 added a limitation that "an application associated with a menu option is

operating in an *active mode* as set by the user of the device." The Examiner is unable to

locate any reference to "active modes" as set by the user for an application. Applicant's

specification, (PG Pub 2006/0107227) discloses in paragraph 26, "an active application,

i.e. an application that is running."

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-4, 6-10, 13-15, 17, 21-23, 25-28, and 29 are rejected under 35 U.S.C.

103(a) as being unpatentable over <u>Task</u> (Windows Task Manager, Copyright 1981-2001

MS Corp) in view of <u>Next</u> (NeXT Step 3.3 Copyright (c) 1995 by NeXT Computer, Inc.)

Claim 1, 13, 14, 15, 17, 28, 29: <u>Task</u> discloses a device comprising a processor

configured to:

    a. receive a request for access to a menu from a user (Fig. 2-3, clicking the

        Application tab);

    b. compile the requested menu, said menu including a list of menu options

        associated with active application (Fig. 3, 4: "Running") and inactive applications

        (Fig. 4: "Not Responding");

    c. determine whether an application associated with a menu option is operating in

        an active mode as set by the user of the device or inactive (Fig. 3, 4: Status) and

        associate a corresponding status indicator with the menu option (Fig. 4:

        "Running", "Not Responding"); and

    d. display the list of menu options (Fig. 4), where the presentation of a particular

        menu option (Fig. 3, 4) includes a status indication (Fig. 4: "Running", "Not

        Responding") of the associated status indicator;

    e. receiving a notification of a selected one of said menu options (Fig. 4, selection

        of one of the applications which grays out the application icon/text); and

f. providing access to an application associated with the selected menu option, whether said application is active or inactive (providing the option to "End Task" that particular application, Fig. 4) when selected.

However, Task does not explicitly disclose wherein the displayed status indication is non-textual. Next discloses a similar Operating System device comprising a user interface and a processor, wherein a status indication is non-textual (pg. 5, three dots.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Next in Task so as to present the status indication in a non-textual manner. One would have been motivated to combine the teachings of Next and Task, as it would have been a mere design choice to incorporate the status indication in a non-textual manner.

Claim 2, 21: Task and Next disclose a device according to claim 1. Task further discloses wherein a plurality of menu options with their corresponding non-textual status indications are presented simultaneously (Fig. 3.)

Claim 3, 22: Task and Next disclose a device according to claim 1. Task further discloses wherein the display further comprises a focus region (Fig. 3: "Inbox - Microsoft Outlook" is highlighted) and the presentation of the menu option corresponding to the position of the focus region includes the non-textual indication of associated status indicator (see Claim 1 above.)

Claim 4, 23: <u>Task</u> and <u>Next</u> disclose a device according to claim 1. <u>Task</u> further

discloses wherein the presentation of the menu option includes an icon displayed in the

list of menu options (Fig. 3.)

Claim 6, 18, 25: <u>Task</u> and <u>Next</u> disclose a device according to claim 4. <u>Next</u> further

discloses wherein the application status is indicated by the color properties of the icon

(pg. 5: white highlight indicated a 'starting up' status.)

Claim 7, 19, 26: <u>Task</u> and <u>Next</u> disclose a device according to claim 3. <u>Next</u> further

discloses configured to produce an alert (pg. 5: white highlight) where a menu option

corresponding to the position of the focus region is associated with an active status

indicator (pg. 5: see Figure.)

Claim 8, 20, 27: <u>Task</u> and <u>Next</u> disclose a device according to claim 7. <u>Next</u> further

discloses wherein an alert is produced using one or more of the following: animation of

an icon, color (pg. 5: white highlight), sound or vibration (pg. 5: see Figure.)

Claim 9: <u>Task</u> and <u>Next</u> disclose a device according to claim 1. <u>Task</u> further discloses

further comprising a user interface wherein the user interface comprises a display and a

keypad (Fig. 3, keyboard is an inherent feature of a computer.)

Claim 10: <u>Task</u> and <u>Next</u> disclose a device according to claim 1. <u>Task</u> further discloses

further configured to allow multitasking of applications (Fig. 3.)

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

<u>Task</u> in view of <u>Next</u> and in further view of <u>Gillespie</u> et al., (2002/0191029.)

Claim 5, 24: <u>Task</u> and <u>Next</u> disclose a device according to claim 4. However, <u>Task</u> and

<u>Next</u> do not explicitly disclose wherein the application status is indicated by the

animation of the icon. However, <u>Gillespie</u> teaches a device with a user interface utilizing

a visual convention of animating activated icons (par. 0060.) Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made

to combine the teaching of <u>Gillespie</u> to the combination of <u>Task</u> and <u>Next</u>. All the

claimed elements were known in the prior art and one skilled in the art could have

combined the elements as claimed by known methods with no change in their

respective functions, and the combination would have yielded predictable results to one

of ordinary skill in the art at the time of the invention.

6.   Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Task in view of Next and in further view of Shields et al., (5,910,802.)

Claim 11, 12: Task and Next discloses a device according to claim 1. However, Task

and Next do not explicitly disclose that such a device is a handheld telecommunications

device. Shields discloses a scaled down version of an operating system, Windows CE,

which is run on a handheld telecommunications device (1:10-15; 2:43-50.) Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to combine the teaching of Task and Next to a handheld telecommunications

device of Shields. Such a combination would have been obvious because the design

incentives or market forces provided a reason to make an adaptation, and the invention

resulted from application of the prior knowledge, of Task and Next, in a predictable

manner to a new platform (i.e. handheld) as disclosed in Shields.

Response to Arguments

7.   Applicant's arguments filed 11/04/2009 have been fully considered but they are

not persuasive.

8.   Applicant argues that "both Task and NeXT references are directed to displaying

the current execution status only applications that have been invoked in a device," and

would not however, indicate an application that were set to operate in *active mode* by a

user of the device. The Examiner respectfully disagrees. Even if there is support of an

"active mode" limitation in the specification, such an "active mode" is still akin to an

application that has a "running" status, as disclosed by <u>Task</u>, and acknowledged in the specification (PG Pub) in paragraph 26. An "active mode" is not a term of art in computer science that has a meaning aside from something that is currently active or running. A user starting an execution of an application can be taken to mean that an application is put into an "active mode," set to run, or similarly be put into a status of "running."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

AB
1/6/2010